App F IX 4

Previous References

1944 Municipal

File No 88-44

Serial Nos 57, 58

57

Later References

GENERAL AND REVENUE SECRETARIAT

Serial Nos Two

Part B for Jany 45

SUBJECT Exact meaning of the word "Value" in section 4(2) of the Mysore City Municipalities Act 1933 — grant of site in Subedarchatram Rd. to M C Christians

The M C Commissioner's Circ L G S 17 dated 4.1.45 forwarding

M-
24/2

625
2

Letter no A7-Dr 6/43 Dy 24-8-44
from the Mr Comm, Belg
requesting to be intimated as to
what exactly is meant by the
word "Value" occurring in Section
4(2) of the Mysore Co-operative Societies Act 1933.
whether it has to be understood to
mean the "market Value" or the
price fixed by the Govt.
subd The Law section will also
be consulted

VKG
25/9 Appl putup the two files
regd to at Sl 3 in the
present? pursuing note

Subd - VKG

3 The files referred to above
are put up

the file detached

VKG
6/11 4 please call for the entire
file of records in this case
urgently from
VKG

5 Subd with draft letter for appl

VKG
6/11

6 Issue
VKG

-2-

$\frac{1625}{L}\sqrt{\frac{3561}{L}}$

To the mc comm, Bcly thro ~~POL~~
No L 4564 Dy 8-11-44
Calls for the records

Letter No A7. ~~Dr~~ 6/43 Dy 22-11-44
from the mc comm, Bcly forwarding
the records

7 Boiled for orders with the records
as directed

28/11

A note is written in multiple wide neat pencil

P T O

The Bangalore City Municipal Council acquired lands to the extent of 13 acres from one Mr M C Chikkanna for the layout of the Subedar Chattram Road extension The party was residing in one of the stone mantaps in the area for over 50 years and he prayed to the Municipal Council that he might be given the site - subsequently formed and numbered as 81 - on which the mantap stood so that he might build a pacca structure there to live in it

2 The question was considered by the City Improvement Committee, the Managing Committee and the City Municipal Council in the year 1940 and they resolved to give away site No 81 measuring 613 sq yards to the owner Chikkanna after recovering from him the actual cost of acquisition of the site in question, which came up to Rs 1,363/5/- Owing to the fact that there was some difference of opinion between the father and the son as regards the ownership of the land, the resolution of the Municipal Council was not given effect to immediately This dispute has been subsequently settled The question therefore came up before the Municipal Council on 29-5-1943 when the Council reaffirmed their previous decision that the said land may be given away to Mr Chikkanna after recovering from him the actual cost of acquisition

3 It is now stated that the sites in the same extension were sold in auction and an average price of Rs 13/- per sq yard was realised If this rate is applied to the site under consideration, the value of the land would amount to 613 x 13 or 7,969/- against Rs.1,363/5/- for which it is proposed to be granted The matter is therefore referred to Government for opinion as regards the meaning of the word "value" occuring in section 41 (2) of the City Municipalities Act and whether the Municipal Council is competent to dispose it of

4 This is a case in which there are certain peculiar circumstances The Municipal Council want to

3561/2

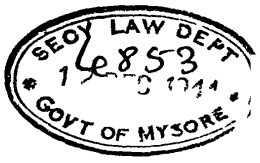
show a concession to the owner of the land from whom a large area of 13 acres was acquired He is an old man and has lived there for over 50 years The resolutions were passed in the year 1940 and if effect has not been given effect to, the old man cannot be penalized for it after 4 years, basing the value of the land on the realisations in the same place when sold in auction

12 Further, the word "value" has not been used in the resolution of the Municipal Council It is unequivocally to the effect that the land may be given away to Mr Chikkanna after recovering the actual acquisition charge In view of these facts, it is for orders if the Municipal Commissioner may not be asked to give effect to the resolution of the Municipal Council

13 The word "value" as used in the section has ~~been~~ to be construed as "market value" of the land at the time the resolution was framed i e , in the year 1940 in regard to the disposal of the land This consideration may not perhaps apply at all after 4 years as no question of disposing it of for market value or upset prices arises but only for the actual acquisition charges

14 For orders

Lawrence) for
12 12 44

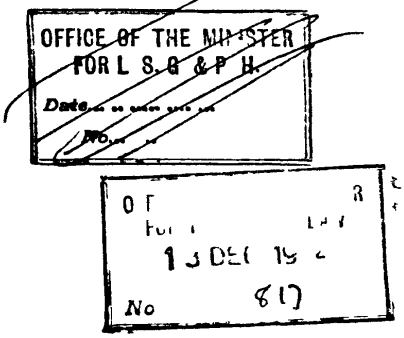


Under the peculiar circumstances of the case we must take into consideration the value prevailing in 1940 & not the inflated values. The Council may give effect to the resolution as the Town Value was less than Rs 2000 The sanction of the Govt under S 41 (2) (c)

not necessary 3561

cus
13/12/44

Minute Paper



Draft - please
20/12/44

Submit with a draft letter for appl.

KLB
29/12

29/12/44

H 58 Re Mr one Comm, Brighton Pob
Vol 65 27 By 4-Dec-
Bones instructions in the matter

BHP

BANGALORE CITY MUNICIPALITY

1620/C

No A7-Dr 6/43 — MUNICIPAL OFFICES

Encl One — Bangalore 24th Aug. 1944

FROM

P SURYANARAYANA SETTI, ESQ, B A, LL B
MUNICIPAL COMMISSIONER
Bangalore City

TO MYSORE

GEN & C
2 1944
LSG

C Narayanaswamy Naidu, Esq, B A, B L,
Legal Remembrancer and
Secretary to Government,
Law Department,
Bangalore

SIR

I have the honour to state that the Municipal Council have, in their meeting held on 18-12-1940 and 29-5-1943 resolved to grant site No 81 in the Subedar Chattram Road Extension to one Mr M C Chikkanna for Rs 1,363-5-0 being the cost of acquisition of the site in question in consideration of the Municipality having acquired some of his lands for the formation of the said extension and also on account of the old man's long stay in the said place As the market value of the site in question calculated on the basis of the average price realised recently by the sale of sites in the same extension amounts to Rs 7,969/- for 613 Square Yards at Rs 13/- per Square yard, I suggested that the matter may be referred to Government for sanction under Section 41(2) of the Mysore City Municipalities Act and accordingly addressed a letter to Government and sent to the President for signature But the President opined that since the contract comes within Rs 2,000, sanction of Government was not necessary and that the Council resolution may be given effect to etc The matter was therefore referred to the Municipal Advocate for opinion in the matter and in reply thereto, he has stated that the word 'value' in Section 41(2) has to be interpreted to convey the meaning of the market value of the property with reference to particular place where the property is situated at the time at which the said property is to be valued A copy of the opinion of the Municipal Advocate is herein enclosed for kind perusal I agree with the opinion of the Municipal Advocate

In the above circumstances, kind instructions are solicited as

as to what exactly is meant by the word 'value' in the aforementioned section of the Act - whether it has to be understood to mean the 'market value' or the price fixed by the Municipal Council

I have the honour to be,

Sir,

Your most obedient servant,

T Sivagnanasundaram
Municipal Commissioner

mlt

Forwarded with compliments

C/T Narasimhalu
Honorary President

I wish to add that the Rateable Portion was based on 29 5 43 and the then Port Authority's Government pleader was of the opinion that the Market value and the price fixed by the Council were synonymous. In the case of Veyman Bandaram, a similar question along with other points arose, and the Govt did not accept the alienation of a site, and did not sanction the Resolution of the Council. Subsequently the site was sold and has fetched Rs 25-0/-, and this is also known

C/T Narasimhalu
29 5 43

OPINION OF THE MUNICIPAL ADVOCATE

Reference -

Municipal Commissioner's letter No A6/7-Dr 6/43 dated 15-8-1944

Retransmitted with compliments to the Commissioner, City Municipality, Bangalore City, with the connected file

Interpretation of word 'value' in Section 41(2) of the City Municipalities Act

The value referred to in the Section has not been defined in the Act In the absence of any definition in the act, the meaning that could be attached is the ordinary meaning of the word as unde stood by a man of ordinary common sense With reference to the Municipal Act the word 'value' has not been interpretated to mean in any particular sense I could not also find out any case in which the 'value' in Section 41(2) has been interpreted judicially

The word 'value' has to be interpreted to convey the meaning the market value of the property with reference to particular place where the property s situate and time at which the said property is to be valued

In the absence of any special definition in the act, and judicial interpretations, the ordinary meaning i e , the market value is the meaning of value in Section 41(2) of the Municipal Act

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"Copy"

T Srinivasamurthy
Municipal Commissioner

mlt

MU 88-44-59 9

BANGALORE CITY MUNICIPALITY

No A7-Dr 6/43 MUNICIPAL OFFICES

Encl nil

Bangalore 22nd November 1944

FROM R Madhavan, Esq , B E ,
~~PUSHPAYANARAYANA SETTY, ESQ, XXXXXXX~~
MUNICIPAL COMMISSIONER
BANGALORE CITY

3561/2

To C Narayanaswamy Naidu, Esq , B A , B L ,
LEGAL REMEMBRANCER & SECRETARY TO THE GOVERNMENT
OF HIS HIGHNESS THE MAHARAJA OF MYSORE
LAW DEPARTMENT BANGALORE

SEOY LAW DEPT 25 JUN 1944 GOVT OF MYSORE

SIR

As desired in your letter No L 4564 dated 8-11-44, I have the honour to forward herewith the connected record relating to the grant of site No 81, Subedar Chatram Road Extension to Mr M C Chikkanna

I have the honour to be,
Sir,
Yourmost obedient servant,

R Jagannathan

Municipal Commissioner I/C

Forwarded with compliments

C Narayanaswamy

Hon President

L-6577 ML 88-44-58 4/1/45 1-11

To The ML Comm., Colpetty;
thro the DOH

Sir,

With reference to the Correspondence ending with your letter No A7 Dr 6/43 dd 22-11-44 re the Grant of site No 81 in the Sulebar Chatram Road Extension to one Mr. M C Chikkamma for Rs 1,363-5-0 being the cost of acqn of the site in question in consideration of the Mdy having acquired some of his lands for the formation of the said Extension ~~etc~~, I am directed to state that the Mdy ML should take into consideration the Value (prevailing under the peculiar circs of the case, if the land as it was as supposed relied by the Mdy in the year 1940 & not the inflated Values of the present day.

The Mdy Council may thereafter give effect to its

resolution dated 29-5-43 as the Market Value of the site was less than Rs 2000/- ~~of the site~~ Sanction of Court to the resolution in question under Section 41(2) of the Municipalities Act 1933 is not necessary

I am therefore to request you to take necessary further action in the matter

The records accompany

Thanks etc

Sd/-

Revenue to Court

W/3 Law Deptt

1/1/45

Page 1-11